

Notice of Allowability

Application No.

10/825,775

Examiner

Benjamin Buss

Applicant(s)

CHANDLER ET AL.

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to correspondence filed 3/1/2007.
2. ☒ The allowed claim(s) is/are 1-4, 6-16, and 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

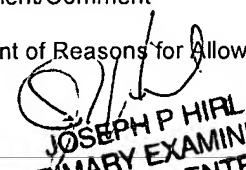
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOSEPH P. HIRL
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

This Office Action is in response to an AMENDMENT entered 3/1/2007 for the patent application 10/825,775 filed on 4/15/2004 claiming benefit of 60/479,696 filed 6/18/2003.

Status of Claims

Claims 1-4, 6-16, and 18-69 are pending.

This application is in condition for allowance except for the presence of claims 19-69 directed to inventions non-elected without traverse. Accordingly, claims 19-69 have been cancelled.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fails to teach the claimed invention of performing human factors process failure modes and effects analysis for a process. Specifically, claim 1 is directed to receiving input representing at least one task including at least one human activity and described using at least one verb; searching a database for at least two potential human errors resulting from the human activity being related to the at least one verb; transmitting an output representing the at least two potential human errors; receiving an input selecting at least one potential human error for evaluation; transmitting output representing the selected potential human error(s); receiving inputs representing a likelihood of occurrence of the human error; a likelihood of correction of the human error; and a potential severity of an effect of the human error; calculating a risk of potential harm based on the inputs received and transmitting output representing errors for which the calculated risk exceeds a risk threshold; receiving an input representing additional analysis of errors that exceed the risk threshold, and transmitting a human factors process failure modes and effects analysis report.

The closest prior art (Applicant's admitted prior art (APA) in pages 2-3 of specification of the instant application, **Sogg** "An Integrated Systems Approach to Human Factors in Commercial Aviation Maintenance Systems", **Eiff** "At-Risk Safety Metric: A Proactive Safety Measurement Strategy", **Bieda** USPGP 2003/0171897) teaches human factors process failure modes and effects analysis.

Art Unit: 2129

Claims 1-4, 6-14, and 18 are considered allowable since when reading the claims in light of the specification, as per MPEP §2111.01 or In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983), none of the references of record alone or in combination disclose or suggest the combination of limitations specified in the independent claims including receiving user input selecting potential human errors for evaluation from a bounded list presented by the data processing device (supported at e.g., pg. 10, lines 20-30) and receiving user input to numerically value each of the likelihood of occurrence of the human error, the likelihood of recovery/correction of the human error, and the potential severity of potential harm due to the human error (supported at e.g., pg 11, lines 11-25) as specified in claim 1.

The Examiner was persuaded by the arguments filed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Buss whose telephone number is 571-272-5831. The examiner can normally be reached on M-F 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin Buss
Examiner
Art Unit 2129


JOSEPH P. HIRL
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

BB